



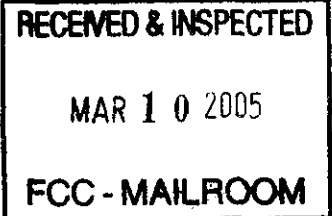
**BUFFALO INDEPENDENT SCHOOL DISTRICT**

**708 Cedar Creek Road**

**Buffalo, TX 75831**

**(903) 322-3765**

**March 4, 2005**



**CERTIFIED – RETURN RECEIPT REQUESTED**

Letter of Appeal  
Federal Communications Commission  
Office of the Secretary  
445 – 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: CC Docket No. 02-6  
Request for Review  
Applicant Name: BUFFALO INDEP SCHOOL DISTRICT  
Billed Entity Number: 140754  
Form 471 Application Number: 371183  
Form 486 Application Number: 253391  
Funding Request Number(s): 1026898, 1026948, 1027055, 1027601, 1029222

Dear Sir or Madam:

This letter is a request for review of the Services and Libraries Division (SLD) denial of our appeal as set out in their letter dated February 24, 2005. This request for review concerns the adjusted FCDL start date of 6/20/2004. This start date applies to the following FRN numbers:

1. FRN 1026898, Form 471 Application No. 371183, Verizon Select Services, Inc.
2. FRN 1026948, Form 471 Application No. 371183, Valor Telecommunications of Texas, L.P.
3. FRN 1027055, Form 471 Application No. 371183, Sprint Communications Co., L. P.
4. FRN 1027601, Form 471 Application No. 371183, Dobson Cellular Systems, Inc.
5. FRN 1029222, Form 471 Application No. 371183, Dell Marketing LP

Due to circumstances set out in our letter to the SLD dated November 29, 2004, we requested the start date be amended to 7/01/2003 as originally requested via our Form 486 application. This request was made due to the fact that our Form 486 certification page was mailed via the normal U. S. Postal Service rather than through certified mail. However, it appears the SLD has no record of receiving the certification page from our school district.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

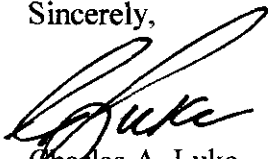
The person who can most readily discuss this appeal is as follows:

Ms. Terry A. Lowery  
District Technology Director  
Buffalo Independent School District  
145 Bison Trail  
Buffalo, TX 75831  
(903) 322-3862  
[loweryta@buffaloisd.com](mailto:loweryta@buffaloisd.com)

Enclosed for your review is a copy of our letter to the SLD dated November 29, 2004 and the SLD decision letter dated February 24, 2005.

The SLD's denial and the funding reduction will have a significant impact on our school in providing quality services for our students. We respectfully request the original start date be re-instated to 7/1/2003.

Sincerely,



Charles A. Luke  
Superintendent

/tal  
Enclosures



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2003-2004**

February 24, 2005

Charles A. Luke  
Buffalo Independent School District  
708 Cedar Creek Road  
Buffalo, TX 75831

Re: Applicant Name: BUFFALO INDEP SCHOOL DISTRICT  
Billed Entity Number: 140754  
Form 471 Application Number: 371183  
Form 486 Application Number: 253391  
Funding Request Number(s): 1026898, 1026948, 1027055, 1027601, 1029222  
Your Correspondence Dated: November 29, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2003 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1026898, 1026948, 1027055, 1027601, 1029222  
Decision on Appeal: **Denied**  
Explanation:

- On appeal, you are seeking reversal of the SLD's decision to adjust the Service Start Date (SSD) and/or the funding commitment amount due to missing the Form 486 120-day deadline. In support of your request, you state that you had submitted the Form 486 online in March 2003 and that the certification page was sent to your superintendent for the signature on April 21, 2003. When you discovered that you had not received the Form 486 Notification Letter, you called the SLD. You assert that you were told that you would be allowed to retain your funding, but that your funding was reduced or removed.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, the SLD determined that the Form 486 for this funding request

should have been filed within 120-days calculated from the issuance date of the Funding Commitment Decision Letter or the Service Start Date as indicated on the Form 486, whichever is later. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.

- The date of your Funding Commitment Decision Letter (FCDL) for Form 471 application 371183 was March 3, 2004. The Service Start Date reported on your Form 486 was July 1, 2003. The postmark date of your Form 486 was October 18, 2004. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your FCDL, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your Form 486 postmark date and reduced your funding commitment amount based on the adjusted Service Start Date.

The "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later." See 2003 Funding Commitment Decision Letter, Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. Since your Form 486 was postmarked after the 120 day filing requirement, the SLD has modified your service start date. The facts present in this appeal do not justify waiving the 120 day filing requirement. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



**BUFFALO INDEPENDENT SCHOOL DISTRICT**

**708 Cedar Creek Road**

**Buffalo, TX 75831**

**(903) 322-3765**

**November 29, 2004**

Letter of Appeal  
Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

Re: Form 486 Application Number: 253391  
Funding Year 2003: 7/01/2003 – 6/30/2004

Dear Sir or Madam:

This letter is to appeal the service start date of 6/20/2004 as set out in the USAC Form 486 Notification Letter. This start date applies to the following FRN numbers:

1. FRN 1026898, Form 471 Application No. 371183, Verizon Select Services, Inc.
2. FRN 1026948, Form 471 Application No. 371183, Valor Telecommunications of Texas, L.P.
3. FRN 1027055, Form 471 Application No. 371183, Sprint Communications Co., L. P.
4. FRN 1027601, Form 471 Application No. 371183, Dobson Cellular Systems, Inc.
5. FRN 1029222, Form 471 Application No. 371183, Dell Marketing LP

We are hereby requesting the start date to be amended to 7/01/2003 as originally requested via our Form 486 application. We are making this request due to the following circumstances:

1. We received the 471 Funding Commitment Decision Letter from the SLC on March 13, 2003.
2. We entered the 486 Receipt of Service Confirmation Form online on or about March 16, 2003.
3. The certification page was e-mailed to the Superintendent for signature on April 21, 2003 for mailing to the SLC.
4. We finished creating the 472 Billed Entity Application Reimbursement Form on or about October 18, 2004. It was at this time that we discovered we had not received the Form 486 Notification Letter.
5. Ms. Terry Lowery called the SLC (Case No. 21-152898) and spoke with Daniel and Tellema. At that time, Tellema advised that we submit the certification page as of that date (October 18<sup>th</sup>). Ms. Lowery had understood that the 486 application would be back dated from October 18<sup>th</sup> to 120 days, which would allow us to retain our funding.

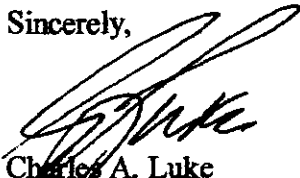
6. We received the Form 486 Notification Letter dated November 10, 2004 indicating the funding would only be approved from June 20, 2004, thereby significantly reducing or removing our original funding approval from the SLC.

The person who can most readily discuss this appeal is as follows:

Ms. Terry A. Lowery  
District Technology Director  
Buffalo Independent School District  
145 Bison Trail  
Buffalo, TX 75831  
(903) 322-3862  
[loweryta@buffaloisd.com](mailto:loweryta@buffaloisd.com)

The funding reduction and/or forfeiture will have a significant impact on our school in providing services for our students. In light of the above circumstances, we respectfully request that the original start date of services be amended to 7/1/2003.

Sincerely,



Charles A. Luke  
Superintendent

/tal